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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 17413 of 2003

Between:

1 Dr.T.Prabhavathi W/o.Dr.T.Giri Raja Reddy
Chair person, Sri Swamy Gnananda Yogeeswara Mahila
Coop Urban Bank Ltd, R/o.1-349, Lakshminagar colony, Puttur,

Chittoor Dt
2 M.Vijaya W/o.M.Chinnabba Raju
Vice Chair Person, Sri Swamy Gnananda Yogewswara
Mahila Coop.urban Bank Ltd, R/o.Puttur, Chittoor District
3 B.Dhanamma W/o.B.Narayan Reddy
Sri Swamy Gnananda Yogeswara
Mahila Coop.urban Bank Ltd, R/o.Puttur, Chittoor District
4 K.Eragamma W/o.K.Krishna Reddy
Co-opted Director Sri Swamy Gnananda Yogeeswara
Mahila Coop.urban Bank Ltd, R/o.Puttur, Chittoor District
5 M.Sujatamma W/o.M.Venkatapathi Naidu
Co-opted Director, Sri Swamy Gnananda Yogeeswara
Mahila Coop.urban Bank Ltd, R/o.Puttur, Chittoor District
6 A.Munamma W/o.A.Dora Swamy
Co-opted Director Sri Swamy Gnananda Yogeeswara
Mahila Coop.urban Bank Ltd, R/o.Puttur, Chittoor District
7 D.Kalavathi W/o.D.Ithirajulu
Co-opted Director, Sri Swamy Gnananda Yogeeswara
Mahila Coop.urban Bank Ltd, R/o.Puttur, Chittoor District
8 A.Seshamma W/o.A.Srihari
9 V.Annapurna W/o.V.Muddu Krishnaiah

..... PETITIONERS

AND

1 Joint Registrar/District Co-operative Officer, Chittoor.
2 D.Subramanyam, Deputy Registrar of Co-operative Societies-

Special Officer, Sri Swamy Gnanda Yogeswara Mahila Coop

Urban Bank Ltd. Chittoor.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ declaring that the action of the 1st respondent contained in proceedings in RC.No.2772/2001-C dated 07-04-2003 superceding the elected managing Committee of Sri Swamy Gnananda Yogeswara Mahila Coop Urban Bank Ltd, Puttur, Chittoor District, is arbitrary and illegal and consequently direct the respondents to permit the petitioners (elected managing Committee) to continue to manage and administer the affairs of the said bank without any interference by the respondents and grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondents.: GP FOR COOPERATION

The Court made the following :

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ORAL ORDER

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Heard both sides and at their request, the main writ petition itself is taken up for disposal.

The petitioners herein, who claims to be members of Sri Swamy Gnananda Yogeeswara Mahila Coop Urban Bank Limited, Puttur, Chittoor District, have filed this writ petition, *inter alia*, seeking to assail the impugned order dated 07-04-2003 superseding the elected managing committee of Sri Swamy Gnananda Yogeeswara Mahila Coop Urban Bank Limited, Puttur, Chittoor District, as illegal and arbitrary.

The main grievance of the petitioners is that primarily there is no justification or any valid basis for taking such a serious step of supersession. Further, it is their case that a show cause notice, which alleged to have been given, was not served on them and thus they had no opportunity to file any explanation or considering their case. Hence the writ petition.

On the other hand, the learned Government Pleader appearing on behalf of respondents submitted that having regard to the fact that the doors were locked, the notices were not served and the same have been served in substitute form. Hence

the petitioners cannot make any complaint for want of service of show cause notice.

Having heard the counsel on either side and upon perusal of the material on record, it is seen that the impugned action of supercession is a serious action and substantive rights of the parties, cannot be lightly taken. Though the fault of the respondents in not serving the notice on the petitioners, they did not have any opportunity to contest the allegations made in the show cause notice. In the circumstances, it is more desirable that one more opportunity should be given to the petitioners, so that the matter can be disposed of and proper orders can be passed in accordance with law.

Accordingly, the writ petition is allowed. The impugned order in Rc.No.2772/2001C, dated 07-04-2003 passed by the first respondent is hereby set aside.

The learned counsel for the petitioners undertakes that there is no necessity of giving any fresh notice and the notice, which has been filed in the set of material papers, can be taken as valid notice and they should be given opportunity to submit their explanation. In the circumstances, the petitioners are permitted to file explanation within a period of six (6) weeks from today. On receipt of which, the respondents shall pass fresh orders in accordance with law.

28th JULY 2004

*TSNR

To

1. Joint Registrar/District Co-operative Officer, Chittoor.

2. Two C.D. Copies

THE HONOURABLE SRI JUSTICE B.PRAKASH RAO

ORDER

IN

WRIT PETITON NO.17413 OF 2003

28TH JULY 2004

***TSNR**